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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/476,951 01/03/00 WALSH

T TIVI-B175

EXAMINER

MM91/1220

HUANG, E PAPER NUMBER

FRANKLIN D UBELL ESQ
PRICE GEES & UBELL
2100 S E MAIN STREET
SUITE 250
IRVINE CA 92614-6238

2975 DATE MAILED:

12/20/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/476,951	WALSH ET AL.
	Examiner	Art Unit
	David V. Hobden	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 April 2000.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3 and 6 is/are rejected.

7) Claim(s) 4.5 and 7-9 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 January 2000 is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

18) Interview Summary (PTO-413) Paper No(s) _____.

19) Notice of Informal Patent Application (PTO-152)

20) Other: _____

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show ribs 25, 27, 29, and 31
outer surface 33
nose portion 38
as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "11" and "35" have both been used to designate a horizontal or "tread" portion in figures 2 and 3. Correction is required.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "17" has been used to designate an inner surface, nose portion, and lamp holder shield. Correction is required.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "111" has been used to designate both seat-mounted lamps and beacon lamps. Correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, the term "step" is not sufficiently defined as to what kind of "step" is claimed by the invention.

Claims 2-5 are necessarily included because of their dependency on claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-3, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagano (5,918,962).

Nagano discloses a lighting apparatus having:

a first extruded portion **313** shaped to mount on the nose of a step (figure 14; column 6, lines 10-24); and
a second extruded portion **315** coextruded with the first portion, the second portion having a material selected to reflect available light so as to illuminate the edge of the step (most materials, including light transmitting or translucent types, have the property of light reflection; very dark or black colored materials may be considered an exception).

With regard to claim 2, where the first portion and second portion each made of a plastic material (column 6, lines 18-24).

With regard to claim 3, where the second portion has a strip **331,345** positioned by the first portion to be disposed along the edge of a step (figure 15, column 6, lines 4-9, lines 38-50, and lines 58-65).

With regard to claim 6,

a lighting apparatus mountable in connection with a step of a staircase (column 1, lines 60-62) and having:

a first plastic extruded portion **313** providing a step plate surface **343** and a riser surface **315** mounted at a right angle with respect to one another (column 5, lines 46-49) and dimensioned to be mounted on the nose portion of a stair step (column 1, lines 57-59); and

a second plastic light reflective strip **359,361** coextruded with the first portion and located so as to be disposed at and visible along an edge of the step in a darkened environment (column 1, lines 10-12, and lines 14-20).

Allowable Subject Matter

8. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

With regard to claim 4, prior art does not disclose the apparatus of claim 3 where the strip is made of a light gray polyvinyl chloride strip.

With regard to claim 5, prior art does not disclose the apparatus of

claim 4 where strip is made of a PVC material #291 as available from A&B Plastics.

9. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to claim 7, prior art does not disclose the apparatus of claim 6 further including a lamp mounted on a portion of a seat, the seat being located adjacent to the step.

With regard to claim 8, prior art does not disclose the apparatus of claim 7 where the lamp includes at least one LED arranged to illuminate the step.

With regard to claim 9, prior art does not disclose the apparatus of claim 7 where the lamp includes a plurality of LEDs located beneath a shield, the shield shaped and disposed to direct light from the plurality of LEDs onto the step.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagano (5,430,627) and George (6,076,936; 6,082,870) are provided as examples of stairway lighting apparatus, utilizing both opaque and translucent plastic materials that mount on the nose of a stair step. George (6,116,748), Machielse *et al.* (2,865,438), Hamilton *et al.* (1,820,797), and Kausal (1,509,211) are provided as examples of stairway lighting systems including a lamp mounted on a portion of a seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David V. Hobden whose telephone number is 703-305-4469. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-8303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0956.

DVH

DVH
December 13, 2000

Sandra L O'Shea
Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800